

**Senate Bill No. 1162**

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Passed the Senate August 30, 2006

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*Secretary of the Senate*

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Passed the Assembly August 28, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 5164 of the Public Resources Code, and to amend Sections 1653.5, 12800, 12801, 12801.5, 14610.7, and 40000.11 of, and to add Sections 1653.6, 1672.6, 1808.10, 12801.2, 12801.25, 12801.3, 12801.9, 12801.10, 12801.11, and 14900.2 to, the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1162, Cedillo. Drivers license and identification cards.

(1) Existing law requires the Department of Motor Vehicles (hereafter the department), upon proper application, to issue driver's licenses and identification cards.

This bill would require the department, upon receipt of full federal funding to implement the federal Real ID Act of 2005 (Public Law 109-13), to issue licenses and cards under the Vehicle Code that are in compliance with specified requirements of the federal Real ID Act of 2005.

(2) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number. Existing law requires an applicant who submits one of those forms to the department to furnish the appropriate number in the space provided. Existing law prohibits the department from completing an application that does not include the applicant's social security account number. Existing law prohibits the department from including an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. Existing law declares that information obtained by the department regarding an applicant's social security account number is not a public record and prohibits the department from disclosing that information except in specified circumstances.

This bill would require those driver's license forms to contain a section for the applicant's social security account number, federal individual taxpayer identification number, or other

identifier or number that is deemed appropriate by the department. The bill would allow an applicant for a driver's license who is presently not eligible for a social security account number, but who submits a specified affidavit signed under penalty of perjury, and a federal individual taxpayer identification number or other number or identifier that is deemed appropriate by the department, to submit those documents to the department in lieu of a social security account number, and those documents would be acceptable until the applicant obtains a social security account number. The bill would require that applicant upon obtaining a social security account number to provide that social security account number to the department. The bill would establish an administrative appeal procedure for those applicants whose applications are denied. The bill would require an application for a commercial driver's license to include the applicant's social security account number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would also prohibit the department from including an applicant's federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department on a driver's license, registration, certificate of title, or any other document issued by the department. The bill would declare that information obtained by the department regarding an applicant's federal individual taxpayer identification number or other information collected is not a public record and would prohibit the department from disclosing that information, except in specified circumstances.

(3) Existing law requires the Department of Motor Vehicles, upon proper application, to issue a class C or M driver's licenses.

This bill would require an applicant for an original driver's license to sign a 2 part statement developed by the department, informing the applicant of the limitations and entitlements associated with the issuance of the driver's license and requiring the applicant to affirm that if he or she is not a citizen or legal resident of the United States that the applicant has applied for legal residency or will apply for legal residency under the United States immigration laws. The bill would require the 2 part statement to be signed under penalty of perjury. Because the bill

would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law provides that specified records of the Department of Motor Vehicles, with certain exceptions, are open to public inspection. Existing law requires that the Attorney General, district attorneys, law enforcement agencies, public defenders, and public defender investigators, have access to department records that are open to the public on an equal basis. Existing law requires applications for driver's licenses and identification cards to contain specified information.

This bill would authorize the Department of Justice to request information from the Department of Motor Vehicles, as specified, for the sole purpose of determining whether an applicant is eligible to possess a firearm, dangerous weapon, or explosive. This bill would prohibit the Department of Justice from providing the information to the federal government or any other law enforcement agency, except in connection with prosecuting a person for illegally attempting to purchase or obtain a firearm, dangerous weapon, or explosive.

(5) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

This bill would repeal those requirements. The bill would, however, require an applicant who furnishes the department with his or her federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department, and who does not have a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as specified, to present to the department a birth certificate or record of birth, determined to be acceptable by the department, issued by a foreign jurisdiction, and, in addition, one other specified document determined acceptable by the department. The bill would permit an applicant who does not

possess a birth certificate or record of birth to instead present 2 or more of those specified documents.

This bill would also require the department to require an applicant described above to submit fingerprint images and related information to the department as specified, and would require the department to forward that submission to the Department of Justice for specified purposes related to a record of the person's criminal convictions. The bill would require the Department of Justice to provide the department with a report on the applicant, as specified, and would require the Department of Justice to assess a fee on the applicant to cover the Department of Justice's costs in performing that service. The bill would prohibit the department from issuing a driver's license to a person on whom it has received a report indicating that the person has a conviction of a public offense other than driving without a driver's license, or other specified offenses. The bill would require the department to provide a person with specified information regarding the denial of the application and an opportunity to appeal.

The bill would require the department to require the applicant described above to affirm that he or she has been living in California for at least one year prior to the application and to submit two of several specified documents relating to residence to the department, or to declare under penalty of perjury that he or she does not have a principal residence, as specified. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would require the department to charge the applicant described above a fee sufficient to cover the costs incurred by the department in processing the application for that driver's license, instead of an existing fee for an original driver's license application.

The bill would require the department to issue an applicant for a driver's license who has a valid application verification number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as specified, and who is otherwise eligible for a driver's license, a driver's license for a limited term of 18 months. The bill would require the department to renew the license for consecutive one-year periods until a certain date, as

specified. The bill would require the department to verify the applicant's status as specified.

The bill would require the department to issue an applicant for a driver's license who submits on his or her application a federal individual taxpayer identification number or other number or identifier deemed appropriate by the department, and who does not have a valid application verification number issued by a regional service center of the federal Citizenship and Immigration Service, and who is otherwise eligible for a driver's license, a driver's license that permits driving, but is not acceptable by a federal agency for federal identification or any other official purpose as specified.

(6) Existing law provides that it is a misdemeanor for a person to knowingly assist in obtaining a driver's license or identification card for a person whose presence in the United States is not authorized under federal law.

This bill would instead provide that it is a misdemeanor for a person to knowingly assist in obtaining a license or card for which a person is not eligible under state law.

(7) Existing law prohibits a county, city, city or county, or special district from hiring a person for employment, or from hiring a volunteer to perform services, at specified areas, in a position having supervisory or disciplinary authority over a minor, if that person has been convicted of one of several specified offenses.

The bill would provide statutory authority for criminal background checks for those individuals, and applicants for a driver's license who submit a federal individual taxpayer identification number or other specified number instead of a social security number and who do not have a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as specified. The bill would prohibit the Department of Justice, in transmitting information to or otherwise communicating with federal agencies or authorities, from distinguishing between those groups of individuals.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(9) The bill would provide that its provisions are severable.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known, and may be cited, as the California Real ID Act of 2006.

SEC. 2. The Legislature intends by the enactment of this act to accomplish the following, upon receipt of full federal funding to implement the federal Real ID Act of 2005 (Public Law 109-13).

(a) Meet or exceed the document and issuance standards set forth in the federal Real ID Act of 2005, to ensure that California has a federally recognized and acceptable driver's license and identification card.

(b) Provide driver's licenses that permit driving, but cannot be used for federal identification purposes, consistent with the federal Real ID Act of 2005, to California drivers that cannot meet the minimum identity confirmation requirements necessary to obtain a federally recognized driver's license or identification card.

SEC. 3. Section 5164 of the Public Resources Code is amended to read:

5164. (a) (1) A county or city or city and county or special district shall not hire a person for employment, or hire a volunteer to perform services, at a county or city or city and county or special district operated park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over any minor, if that person has been convicted of any offense specified in paragraph (2).

(2) (A) Violations or attempted violations of Section 220, 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or any sex offense listed in Section 290 of the Penal Code, except for the offense specified in subdivision (d) of Section 243.4 of the Penal Code.

(B) Any felony or misdemeanor conviction specified in subparagraph (C) within 10 years of the date of the employer's request.

(C) Any felony conviction that is over 10 years old, if the subject of the request was incarcerated within 10 years of the employer's request, for a violation or attempted violation of any of the offenses specified in Chapter 3 (commencing with Section 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 of the Penal Code, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022 of the Penal Code, in the commission of that offense, Section 217.1 of the Penal Code, Section 236 of the Penal Code, any of the offenses specified in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code, or any of the offenses specified in subdivision (c) of Section 667.5 of the Penal Code, provided that no record of a misdemeanor conviction shall be transmitted to the requester unless the subject of the request has a total of three or more misdemeanor convictions, or a combined total of three or more misdemeanor and felony convictions, for violations listed in this section within the 10-year period immediately preceding the employer's request or has been incarcerated for any of those convictions within the preceding 10 years.

(b) (1) To give effect to this section, a county or city or city and county or special district shall require each such prospective employee or volunteer to complete an application that inquires as to whether or not that individual has been convicted of any offense specified in subdivision (a). The county or city or city and county or special district shall screen, pursuant to Section 11105.3 of the Penal Code, any such prospective employee or volunteer, having supervisory or disciplinary authority over any minor, for that person's criminal background.

(2) Any local agency requests for Department of Justice records pursuant to this subdivision shall include the prospective employee's or volunteer's fingerprints, which may be taken by the local agency, and any other data specified by the Department of Justice. The request shall be made on a form approved by the Department of Justice. No fee shall be charged to the local agency for requesting the records of a prospective volunteer pursuant to this subdivision.

(c) This subdivision shall serve as the statutory authority for criminal background checks for individuals described in subdivision (a) of this section, and individuals described in



paragraph (1) of subdivision (a) of Section 12801.10 of the Vehicle Code. In transmitting information to or otherwise communicating with federal agencies or authorities, the Department of Justice shall not in any way distinguish between the two groups of applicants described in this subdivision.

SEC. 4. Section 1653.5 of the Vehicle Code is amended to read:

1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number, and, in the case of the issuance or renewal of a driver's license, as an alternative to the social security account number, space for the applicant's federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains, as appropriate, a section for the applicant's social security account number, federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number or identifier in the space provided.

(d) (1) The department shall not complete an application for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) that does not include one of the following:

(A) The applicant's social security account number.

(B) Subject to paragraph (2) of subdivision (a) of Section 12801, a federal individual taxpayer identification number.

(C) Subject to paragraph (2) of subdivision (a) of Section 12801, a number or identifier that is determined to be appropriate by the department.

(2) The department shall not complete an application for the issuance or transfer of the registration or certificate of title to a vehicle that does not include one of the following:

(A) The applicant's driver's license number.

(B) The applicant's identification card number.

(e) An applicant's social security account number, federal individual taxpayer identification number, or other number or identification deemed appropriate by the department shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other provision of law, information regarding an applicant's social security account number, federal individual taxpayer identification number, or other information collected under Section 1672.6, 12801, or 12801.2, obtained by the department pursuant to this section, is not a public record and shall not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

SEC. 5. Section 1653.6 is added to the Vehicle Code, to read:

1653.6. Upon receipt of full federal funding to implement the federal Real ID Act of 2005 (Public Law 109-13), the department shall issue driver's licenses and identification cards under this code that are in compliance with Section 202 of Title II of the federal Real ID Act of 2005.

SEC. 6. Section 1672.6 is added to the Vehicle Code, to read:

1672.6. (a) Before being issued an original class C or M driver's license under Article 3 (commencing with Section 12800) of Chapter 1 of Division 6, each applicant for that driver's license shall sign a two part statement, that shall be developed by the department.

(b) (1) The first part of the statement shall consist of a disclosure informing the applicant of the following:

(A) It is unlawful to register to vote if you are not a citizen of the United States. The issuance of a driver's license or identification card does not establish that right.

(B) It may be unlawful to possess or to attempt to purchase a firearm if you are not a citizen of the United States. The issuance of a driver's license or identification card does not establish that right.

(C) It is unlawful to serve on a jury unless you are a citizen of the United States. The issuance of a driver's license or identification card does not establish that right.

(D) The issuance of a driver's license is a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits.

(2) Following each statement described in paragraph (1), there shall be a space for the applicant's initials to acknowledge that the applicant understands the limitations and entitlements associated with issuance of a driver's license.

(c) The second part of the statement shall state that the applicant affirms that if he or she is not a citizen or legal resident of the United States that the applicant has applied for legal residency or will apply for legal residency under the United States immigration laws.

(d) The two part statement shall be signed by the applicant under penalty of perjury declaring that the applicant read the disclosure and attests to the truth of the affirmation.

SEC. 7. Section 1808.10 is added to the Vehicle Code, to read:

1808.10. (a) The Department of Justice may request information from the department about a person's social security number or lack of social security number, for the sole purpose of determining whether an applicant is eligible to possess a firearm, dangerous weapon, or explosive.

(b) The Department of Justice shall not provide information that the department provides pursuant to subdivision (a) to the federal government or to any other law enforcement agency, except in connection with prosecuting a person for illegally attempting to purchase or obtain a firearm, dangerous weapon, or explosive.

SEC. 8. Section 12800 of the Vehicle Code is amended to read:

12800. An application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, social security account number, federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Documentation acceptable to the department showing that the applicant is presently residing in this state. The department shall develop regulations specifying those documents that are acceptable for this purpose. The regulations adopted to effect the purposes of this subdivision are emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(k) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 9. Section 12801 of the Vehicle Code is amended to read:

12801. (a) (1) The department shall require an application for the issuance or renewal of a driver's license by the department to contain one of the following:

(A) The applicant's social security account number.

(B) Subject to paragraph (2), a federal individual taxpayer identification number.

(C) Subject to paragraph (2), a number or identifier that is determined to be appropriate by the department.

(2) If an applicant signs an affidavit under penalty of perjury attesting that he or she is presently not eligible for a social security account number and submits a federal individual taxpayer identification number, or other number or identifier that is deemed appropriate by the department, the submission of those documents shall be acceptable to the department in lieu of a social security account number until the applicant obtains a social security account number. Upon obtaining a social security account number, the applicant shall provide the department that number under paragraph (1).

(3) The department shall not complete an application for the issuance or renewal by the department of a driver's license that does not include one of the following:

(A) The applicant's social security account number.

(B) Subject to paragraph (2), a federal individual taxpayer identification number.

(C) Subject to paragraph (2), a number or identifier that is determined to be appropriate by the department.

(b) Notwithstanding any other law, the social security account number, federal individual taxpayer identification number, or number or identifier that is determined to be appropriate by the department collected on a driver's license application shall not be displayed on the driver's license, including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

SEC. 10. Section 12801.2 is added to the Vehicle Code, to read:

12801.2. (a) The department shall require an applicant for an original driver's license or identification card to present an identification document acceptable to the department, for the purpose of establishing identity prior to completing an application.

(b) An applicant who furnishes the department with his or her federal individual taxpayer identification number or other number or identifier deemed appropriate by the department pursuant to Section 1653.5, except for an applicant who has a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as described in Section 12801.3, shall present to the department a birth certificate or record of birth, determined to be acceptable by the department, issued by a foreign jurisdiction, and, in addition, one of the following documents, determined acceptable by the department:

(1) Matricula consular issued by the government of the United States of Mexico.

(2) A passport issued by a foreign jurisdiction.

(3) A military identification card bearing the applicant's photograph, from the country of origin.

(4) A driver's license, bearing the applicant's photograph, issued by a foreign jurisdiction.

(5) A driver's license, bearing the applicant's photograph, issued by another state, possession or territory of the United States.

(c) The department may, through regulations, accept documents in addition to those specified in subdivision (b), provided that those additional documents accurately confirm the identity of the applicant.

(d) An applicant who does not possess a birth certificate or birth record from his or her country of origin may present two or more of the documents specified in subdivision (b) or referenced in subdivision (c).

(e) An applicant who presents to the department a birth certificate or record of birth issued by his or her country of origin, but who does not possess any of the other documents specified in subdivision (b), may present, in addition to the birth certificate, a letter from the Consulate General of the applicant's home country that confirms the authenticity of the birth record.

SEC. 11. Section 12801.25 is added to the Vehicle Code, to read:

12801.25. (a) Within 10 days of receipt of a written notice of the department's decision to deny an application on the basis of the applicant's failure to satisfy the requirements of Section 12801.2, the applicant may request an administrative hearing to appeal that denial. The notice of denial shall notify the applicant of his or her hearing right, of the applicant's right to review prior to the hearing, the department's records that were the basis for the denial, and of the applicant's rights of subpoena pursuant to Section 14104.5 of the Vehicle Code. Upon receipt of a demand for hearing, the department shall schedule a hearing within 15 days unless the party requests a later hearing date.

(b) The hearing shall be conducted pursuant to Sections 14104.2 and 14105 of the Vehicle Code.

(c) The applicant subject to a hearing may request a review of the decision issued pursuant to subdivision (b) within 15 days of the effective date of the decision. The review shall include an examination of the hearing report, documentary evidence, findings, and any new evidence offered by the applicant that was not known to the applicant at the time of the initial hearing. The hearing officer or board conducting the original hearing may not participate in the review process. Following the review, a written notice of the department's decision shall be mailed to the applicant involved.

(d) At any time after issuance, the department, at its own option or upon request of the person who was the subject of the hearing, may reopen the matter, take further evidence, or change or set aside any order previously made.

(e) Upon issuance of a final administrative decision, an applicant may petition for a writ of mandate from a superior court. The court shall deny the petition if it finds that the administrative decision was supported by substantial evidence.

SEC. 12. Section 12801.3 is added to the Vehicle Code, to read:

12801.3. (a) The Legislature hereby finds and declares all of the following:

(1) There are residents of California who have applied to the federal Citizenship and Immigration Service (CIS) of the United

States Department of Homeland Security for legal residency and have had their applications accepted by the CIS for processing.

(2) The persons described in paragraph (1), who have made themselves known to the federal government and have had their applications for adjustment of status accepted by the CIS for processing, are not deportable based on their immigration status.

(3) Persons with pending applications for adjustment of status are issued application verification numbers on their notice of action document by the CIS. These application verification numbers are unique to each individual and can be verified through the Case Status Service Online Internet Web site of the CIS.

(4) California does not issue a driver's license to persons with pending applications for adjustment of status. However, under the federal Real ID Act of 2005 (Public Law 109-13), a temporary driver's license issued to a person with a pending application for adjustment of status would be accepted for official purposes under that federal act.

(b) (1) An applicant for a driver's license who has a valid application verification number issued by a regional service center of the CIS and is otherwise eligible for a driver's license under this code, shall be issued a driver's license for a limited term of 18 months. The department shall renew the license for consecutive one-year periods until the date the department determines that the CIS has taken a final action on the applicant's legal residency application, or until the department has implemented the federal Real ID Act of 2005, whichever date occurs first.

(2) The department shall use the Case Status Service Online Internet Web site of the CIS, or any other verification mechanism deemed acceptable by the CIS and the department, to verify the applicant's pending status.

(c) An applicant for a driver's license who submits on his or her application a federal individual taxpayer identification number, or other number or identifier deemed appropriate by the department under paragraph (2) of subdivision (a) of Section 12801, instead of a social security number, and who does not have a valid application verification number issued by a regional service center of the CIS, and who is otherwise eligible for a driver's license under this code, shall be issued a driver's license



that permits driving, but is not acceptable by a federal agency for federal identification or for any other official purpose pursuant to paragraph (11) of subsection (d) of Section 202 of Title II of the federal Real ID Act of 2005.

SEC. 13. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) Notwithstanding Section 40300 or any other provision of law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.

(b) The inability to obtain a driver's license does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

SEC. 14. Section 12801.9 is added to the Vehicle Code, to read:

12801.9. Notwithstanding any other provision of law, a commercial driver's license applicant shall include the applicant's social security account number in the application.

SEC. 15. Section 12801.10 is added to the Vehicle Code, to read:

12801.10. (a) (1) The department shall require an applicant described in subdivision (b) of Section 12801.2, except for an applicant who has a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as described in Section 12801.3, to also submit fingerprint images and related information taken by a person certified pursuant to Section 11102.1 of the Penal Code, solely for purposes of determining whether subdivision (b) applies to that applicant.

(2) (A) The department shall forward the fingerprint images and related information received by it under paragraph (1) to the Department of Justice for the purpose of obtaining information regarding the existence and nature of the person's record of state and federal criminal convictions.

(B) The information and fingerprint images obtained, or any information or identifiers derived from the information obtained,

pursuant to this section by the Department of Justice or any other agency or individual is private and confidential and shall not be used for any purpose other than to determine whether the applicant is ineligible for a driver's license based on his or her conviction of a crime specified in subdivision (b).

(3) The Department of Justice shall forward to the federal Bureau of Investigation requests received under paragraph (2) for criminal offender record information at the federal level.

(4) Upon obtaining criminal offender record information on an applicant for whom fingerprint images and related information have been received under paragraph (2), or upon receiving confirmation that no record exists, the Department of Justice shall provide the department with a report on the applicant, confirming the nonexistence of a criminal offender record or containing the information described in subdivision (p) of Section 11105 of the Penal Code.

(5) The Department of Justice shall assess the applicant a fee that is sufficient to cover the Department of Justice's costs in implementing this subdivision.

(b) The department shall not issue a driver's license to a person on whom it receives a report under subdivision (a) indicating that the person has a conviction of one or more of the following:

(1) A public offense other than driving without a driver's license.

(2) Illicit trafficking in a controlled substance, as defined in Section 102 of the Controlled Substances Act (Section 802 of Title 21 of the United States Code).

(3) Terrorist activities as described in Section 1182(a)(3)(B) of Title 8 of the United States Code.

(4) Other security and related grounds described in Section 1182(a)(3)(A) and (E) of Title 8 of the United States Code.

(c) The department shall provide a person who is denied a driver's license under subdivision (b) with a notice describing the specific reason for the denial and an opportunity to appeal that decision. The notice shall include a list of the specific offenses, the name of the court where the conviction was entered, the disposition date of the case, the case number, if known, and instructions of the procedure to appeal that decision, and how an

applicant may challenge information in his or her criminal record.

SEC. 16. Section 12801.11 is added to the Vehicle Code, to read:

12801.11. (a) The department shall require that an applicant for a driver's license described in subdivision (b) of Section 12801.2, except for an applicant who has a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as described in Section 12801.3, affirm that he or she has been living in California for at least one year prior to the date of the application. The applicant shall submit evidence of at least two of the following:

(1) A current California rent receipt showing the applicant's name and address.

(2) A current California mortgage receipt showing the applicant's name and address.

(3) A current California utility receipt showing the applicant's name and address.

(4) A document showing that the applicant is or has been employed in the state.

(5) A document showing that the applicant has registered with a public or private employment service in California.

(6) Evidence that the applicant has enrolled his or her child in a school in the state.

(7) Evidence of a vehicle registered to the applicant in the state.

(b) Notwithstanding subdivision (a), if an applicant does not maintain a principal residence either inside or outside of this state, the applicant does not have one of the residing verification documents set forth in subdivision (a), and the applicant declares under penalty of perjury that he or she does not have a principal residence, the one year residency in subdivision (a) does not apply.

SEC. 17 Section 14610.7 of the Vehicle Code is amended to read:

14610.7. It is a misdemeanor for a person to knowingly assist in obtaining a driver's license or identification card for which a person is not eligible under state law.

SEC. 18. Section 14900.2 is added to the Vehicle Code, to read:

14900.2. In lieu of the fee imposed under Section 14900, the department shall charge an applicant for an original class C or M driver's license who is described in subdivision (b) of Section 12801.2, except for an applicant who has a valid application number issued by a regional service center of the federal Citizenship and Immigration Service of the United States Department of Homeland Security, as described in Section 12801.3, a fee that is sufficient to cover the costs incurred by the department in processing that application.

SEC. 19. Section 40000.11 of the Vehicle Code is amended to read:

40000.11. A violation of any of the following provisions is a misdemeanor, and not an infraction:

(a) Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

(b) Section 12500, subdivision (a), relating to unlicensed drivers.

(c) Section 12515, subdivision (b), relating to persons under 21 years of age driving, and the employment of those persons to drive, vehicles engaged in interstate commerce or transporting hazardous substances or wastes.

(d) Section 12517, relating to a special driver's certificate to operate a schoolbus or school pupil activity bus.

(e) Section 12519, subdivision (a), relating to a special driver's certificate to operate a farm labor vehicle.

(f) Section 12520, relating to a special driver's certificate to operate a tow truck.

(g) Section 12804, subdivision (d), relating to medical certificates.

(h) Section 12951, subdivision (b), relating to refusal to display license.

(i) Section 13004, relating to unlawful use of an identification card.

(j) Section 13004.1, relating to identification documents.

(k) Sections 14601, 14601.1, 14601.2, and 14601.5, relating to driving with a suspended or revoked driver's license.

(l) Section 14604, relating to unlawful use of a vehicle.

(m) Section 14610, relating to unlawful use of a driver's license.

(n) Section 14610.1, relating to identification documents.

(o) Section 14610.7, relating to assisting in the unlawful attainment of identification documents.

(p) Section 15501, relating to use of false or fraudulent license by a minor.

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 21. The provisions of this act are severable. If any provision of this act or its applications is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or applications.























Approved \_\_\_\_\_, 2006

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*Governor*